HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.23591 of 2004

Dated this the 24th day of December, 2007

Between:

"Hazarat Syed Ali Ishaq Madani Auliya (R.A)
Dargah Mucasa"
A registered Trust, rep.by the General
Secretary, Sk. Ahmed, s/o. Shaik Abdul Nabi,
R/o. MIG 2-B, 100 Sujatha nagar,
China Mushidi Wada, Visakhapatnam.
.. Petitioner

AND

The Govt. of A.P. (Wakfs Department),
Rep.by its Principal Secretary,
Minorities Welfare & Wakf Department,
Secretariat Buildings, Saifabad,
Hyderabad-4, and 5 others .. Respondents

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ORDER:

This Writ Petition has been filed by the petitioner seeking to issue a direction to the third respondent-A.P. State Wakf Board to spend the income of the Wakf properties as contemplated under Rule 23 of the Wakf Rules, 2000 and to take appropriate and necessary action for implementation of the instructions and directions issued by the Government according to law.

2) It is the contention of the petitioner that some of the Wakf properties have been sold and the amount was lying in fixed deposit. Out of the interest amount, the Wakf Board is supposed to undertake repairs and to spend money for maintenance of the petitioner-Darga. As the Wakf Board did not evince any interest in getting the repairs and looking after the maintenance of the petitioner-Darga, this writ

petition has been filed seeking the above direction.

3) This Court through the order dated 08.04.2005 in W.P.M.P.No.30959 of 2004 passed an elaborate order directing the respondents to act in accordance with the Rule 23 of the Andhra Pradesh Wakf Rules 2000.

4) The learned counsel for the petitioner-Darga submitted that when the respondents have not implemented the interim direction passed by this Court, a Contempt Case covered by C.C.No.1234 of 2005 has been filed and it is also pending before this Court.

5) Under Rule 23, it is the obligation of the respondents to spend some amount for maintenance of the petitioner-Darga, which is part of the Wakf property. The intention of the respondents in keeping silent without taking any action in pursuance of the direction given by this Court is not known.

6) In the light of the circumstances explained by the petitioner, the interim direction shall be treated as the final order in this writ petition and the respondents are directed to take necessary steps for undertaking the repairs, if any, and for maintenance of the petitioner-Darga, within two months from the date of receipt of copy of this order, failing which the petitioner-Darga is at liberty to take further action according to law.

7) Accordingly, the Writ Petition is disposed of.

No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 24-12-2007
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